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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,921	10/29/1998	HILARY LYNDSEY WILLIAMS	36-1288	8650

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 10/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/171,921

Applicant(s)

WILLIAMS, HILARY LYNDASAY

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 77-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. The amendment filed on 8/12/02 has been entered. Claims 32-76 and 80 are canceled and claims 1-31 and 77-79 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Persidsky (6,130,666).

As per claim 30, Persidsky teaches a portable computer being housed in a casing shaped to facilitate a user holding the computer as a writing stylus, a casing including a radiused triangular cross-section along a substantial portion of its length and a flattened section incorporating a display screen wherein the casing includes angular shaping between a forward

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holding area adapted to rest in the user's fingers and rearward flattened area holding a display screen the shaping being such as to provide a natural viewing angle of the incorporated display screen while the casing is held as a writing stylus (see fig. 1).

As per claim 31, Persidsky teaches a portable computer in which the shaping causes the rearward screen to be supported by the dorsal areas of a user's hand as claimed (see fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-29 and 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persidsky (6,130,666) in view of Metroka et al (5,754,645).

As per claims 1, 12-14, and 15, Persidsky teaches a portable pen computer with built-in display which is capable of collecting and recording data representative of handwritten strokes of the pen, and displaying such data in a display screen which is part of the pen, a pressure sensor that is included at the tip of the pen, a display having a plurality of lines to enable one of the multiplicity of pages to be displayed (see fig. 1), and a motion sensor which outputs signal describing the motion of the pen. These sensors are connected to a signal processing circuit, which includes an analog-to-digital converter to convert motion signals into digital code. A microprocessor or microcontroller interprets the digitized motion data, stores the processed data

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in a memory such as a chip storage device, directs such data to a built-in display such as an LCD, which can display images in real-time corresponding to the processed motion signals, as well as images stored in memory (see abstract). Persidsky does not teach a processing means providing a mode response selected from a multiplicity of stored possible modes Metroka et al teach a display 106 announced with a synthesized voice, or displayed and announced (see abstract and figure 1).

It would have been obvious to one of ordinary skilled in the art to utilize the different modes as taught by Metroka et al into the device of Persidsky because it would allow a user with disability to utilize the portable pen computer with no apparent difficulties.

As per claim 2, Persidsky teaches a detection means, which comprises at least one acceleration detection, means responsive to movement of the computer to produce the output electrical signal as claimed.

As per claim 3, Persidsky teaches a plurality of acceleration detection means to produce an electrical output signal representative to movement in respective directions.

As per claim 4, Persidsky teaches sensors which detect movement in the x and y directions as claimed.

As per claims 5 and 6, the movement detected by Persidsky device is capable of generating alphanumeric or graphical data and said alphanumeric or graphical data is stored in a data store since using a computer as claimed.

As per claim 7, the pen-shaped input taught by Persidsky is connected to a processing device which receives the output of the alphanumeric or graphical data by the transmitting means.

As per claims 9-11, Persidsky do not explicitly teach scrolling of displayed information but Metroka et al teach a scroll menu using keys (see col. 1, lines 49-51).

It would have been obvious to one of ordinary skilled in the art to effect scrolling of displayed information as taught by Metroka et al into the device of Persidsky based on detected movement data, to have a relative tilting movement which causes the display information stores as to one or other side of the current display, a rolling movement which causes the display information stored as above or below the current display information for the same reasons given in claim 1.

As per claims 16-22, the examiner takes the Official notice that a portable device having a user's password, a sound input device, speech or other sound signals, a sound output in combination with a radio transceiver whereby cellular or radio telephony networks, radio transmission or infrared transmission means, transmission of coded signals including a message for display is well known in the art.

As per claims 23-29, it is also well known to have a processing means responsive to received encoded radio signals to activate a paging alert which comprises a tone, a operation of a vibrating means and that the portable computer houses in a casing shape to facilitate a user holding the computer as a writing stylus.

As per claim 77, Persidsky teaches a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44).

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As per claim 78, Persidsky teaches a plurality of switch means adjacent to the display being oriented to match the orientation of the display screen as claimed (see fig. 1, 34, 36, 38, 32, 44).

As per claim 79, Persidsky does not explicitly teach a touch sensitive static potentiometer strip responsive to movement but it would have been obvious to one of ordinary skill in the art to utilize a touch sensitive potentiometer as claimed for the same reasons given in previous claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-31, 77-79 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to Metroka's scrolling operation not depend upon the orientation or tilt of the pen are met by the obviousness taken in the claims. Therefore, the rejection stands.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

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(703) 305-308-6606, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ronald Laneau

Examiner

rl
October 2, 2002



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1000